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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,472	07/27/2006	Akio Taniguchi	5404/165	5181
757 7590 12/31/2008 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610				
EXAMINER				
MULLS, JEFFREY C				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
12/31/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,472

Applicant(s)

TANIGUCHI ET AL.

Examiner

Jeffrey C. Mullis

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz et al. (US 2003/0100675).

Goetz et al. discloses a composition containing a flow control agent containing a block copolymer with alkyl acrylate/alkylmethacrylate blocks (examples) in which the blocks may contain anhydride functionality (paragraph 44) and to which may be added a free radically produced epoxy functional acrylate polymer having a molecular weight of as little as 500 (paragraphs 120-122). Applicants' molecular weights are disclosed in paragraph 89.

There are no examples of compositions' in which all of applicants limitations are present in combination. However it would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to arrive at applicants' composition by selecting from the various disclosures of the reference in the expectation of adequate results absent any showing of surprising or unexpected results.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneda (WO 02092696) in view of Goetz, cited above and either Nakashima et al. (US 6,576,691) or Kawakubo et al. (US 5,976,289).

It is noted that Kakeda '696 corresponds to US 2004/0147674 which will be referred to since it is in English.

Kaneda discloses a composition containing a block copolymer having an acrylic block and a methacrylic block (abstract) containing a reactive group such as carboxyl in applicants amounts in combination with a thermoplastic (paragraph 20) which may include epoxy group containing copolymers (paragraphs 28 and 60). The carboxyl may be converted to anhydride by dehydration in paragraph 185 and would therefore have the structure of applicants claim 2. Compression or blow molding is disclosed in paragraph 302 and production of automotive articles in paragraph 485.

There are no specific examples of compositions in which all of applicants materials are present simultaneously in combination and "powder slash molding" or skin production is not disclosed not are the acrylic copolymer molecular weights of claim 12 disclosed.

However it would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to arrive at applicants composition by selecting from the various disclosures of the reference in the expectation of adequate results absent any showing of surprising or unexpected results.

The equivalence of powder slash molding, compression and blow molding is disclosed by Nakashima at column 8, lines 13-20.

Kawakubo discloses the production of a skin for automotive interiors at column 5, lines 20-30 and Figure 9.

It would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to use powder slash molding in the process of Kakeda since Kakeda

discloses the use of compression or bloc molding and since Nakashima discloses the equivalence of these methods and powder slash molding for producing articles absent any showing of surprising or unexpected results.

It would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to mold skins from the composition of the primary reference since the primary reference discloses that automotive articles can be produced using their composition and by the disclosure of the secondary reference that automotive skins can be produced by powder slush molding and thus use of such a process in the primary reference would meet the goals of the primary reference absent any showing of surprising or unexpected results.

It would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to use the epoxy acrylic of the primary reference in the form of the molecular weight of 500 of the secondary reference motivated by the need to choose a molecular weight for the epoxy containing acrylic of the primary reference in order to use it and by the disclosure of the secondary reference of molecular weights which are useable in a similar composition and therefore workable absent any showing of surprising or unexpected results. Furthermore the teachings of the secondary reference are optional in that it requires only routine experimentation to find the optimum or workable range of result effective variable absent any showing of surprising or unexpected results.

Applicant's arguments filed 9-30-08 have been fully considered but they are not persuasive. The features argued by applicants as distinguishing over Goetz and

Kaneda rely on limitations not present in the claims as the claims recite nothing about plasticization or crosslinking or reaction mechanisms etc., nor does the phrase quoted by applicants regarding the "acrylic type copolymer" appear in the claims, nor is it clear what "best resistance" encompasses. If applicants are attempting to argue unexpected results, such must be with the closest prior art, MPEP 716 and no data comparative to the closest prior art are of record. It is not the position of the examiner that the secondary references suggest features of the claimed invention other than powder slush molding or automotive skin formation.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 1796

Any inquiry concerning this communication should be directed to Jeffrey C. Mullis at telephone number 571 272 1075.

Jeffrey C. Mullis
Primary Examiner
Art Unit 1796

JCM

12-30-08

/Jeffrey C. Mullis/

Primary Examiner, Art Unit 1796